

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

Joseph R. Goodwin
JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

IN RE: COOK MEDICAL, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2440
Honorable Joseph R. Goodwin

JUDITH FETHEROFF, ET AL.
Plaintiffs,

§ § § § § § § § § §

V.

CASE NO. 2:16-cv-08305

COOK MEDICAL, INC., ET AL.,
Defendants.

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MOTION TO TRANSFER MDL

COME NOW the plaintiffs, by and through the undersigned counsel, and move the court to transfer this member case from MDL 2440, In re: Cook Medical, Inc. Pelvic Repair System Products Liability Litigation, to:

MDL 2327 Ethicon, Inc. Pelvic Repair System Products Liability Litigation

Plaintiffs herein filed a Complaint or Short Form Complaint in MDL 2440 against Cook Medical, Inc. and others. Plaintiffs later filed an Amended Short Form Complaint that no longer included Cook Medical, Inc. or another named defendant in that litigation; included instead, among others, were the following parties from MDL 2327:

Ethicon, Inc. and Johnson & Johnson

Because Cook Medical, Inc. or another defendant named in the Master Complaint, is no longer a named defendant in this member case, Plaintiffs respectfully request that the Court:

- 1) **GRANT** the Plaintiffs' motion to transfer this civil action from MDL 2440 to 2327; and
- 2) direct the Clerk to disassociate this civil action as a member case in MDL 2440 and re-associate it with MDL 2327.

Respectfully submitted,

/s/ J. Steve Mostyn

J. Steve Mostyn
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this member case.

/s/ J. Steve Mostyn

J. Steve Mostyn